THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19551 of 2006

Dated: 20-09-2006

Between:

M. Abdul Malik and others.

..... PETITIONERS

AND

The Revenue Divisional Officer, Kurnool, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.19551 of 2006

ORDER:

Petitioner No.1 herein executed registered sale deed in respect of land admeasuring 133.33 sq. yards in survey No.444/2 situated at Dinnedevarapadu Village, Kurnool District, in favour of petitioner No.2. The same was presented on 23-08-2006 in the office of respondent No.3, who refused registration and furnished refusal endorsement on that day itself. Aggrieved by the same, the petitioners filed the present writ petition seeking a direction to respondent No.3 to register the document executed by petitioner No.1 in favour of petitioner No.2.

The Registration Act, 1908 (the Act, for brevity) contains Sections 71, 72 and 77 dealing with refusal of Registering Authority to register the document. Whenever the Registering Authority refuses to register the document under Section 71 of the Act, he is required to furnish reasons for the same and the aggrieved person is given a right of appeal under Section 72 (1) of the Act before the District Registrar. When the District Registrar refuses the document to be registered under Section 72 or Section 76 of the Act, the person claiming such document may institute a suit in civil Court and obtain a decree. The petitioners have not availed all these remedies and directly filed the present writ petition. Therefore, the writ petition is not maintainable.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

20th September, 2006

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